

E-FILING

## United States District Court

NORTHERN

DISTRICT OF

CALIFORNIA

UNITED STATES OF AMERICA

V.

Miguel DE SANTIAGO-Rojas  
(Name and Address of Defendant)

CRIMINAL COMPLAINT

RICHARD W. WIEKING  
CLERK  
U.S. DISTRICT COURT  
NO. DIST. OF CA., S.J.

08-70126 RS

CASE NUMBER:

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On a date unknown but no later than, February 12, 2008, in Monterey County in the Northern District of California defendant(s) was, (Track Statutory Language of Offense)

Unlawfully re-entered and was found in the United States after deportation, without the permission of the Attorney General

in violation of Title 8 United States Code, Section(s) 1326  
I further state that I am a(n) Deportation Officer and that this complaint is based on the following  
Official Title  
facts:

SEE ATTACHED AFFIDAVIT

PENALTIES: \$250,000.00 fine, <sup>ten</sup>~~twenty~~ (20) years imprisonment, \$100.00 special assessment fee, and <sup>RS</sup> a Term of Supervised Release up to three years.

Requested bail: Issue no bail warrant.

APPROVED AS TO FORM:

ASSISTANT UNITED STATES ATTORNEY

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

Signature of Complainant

Sworn to before me and subscribed in my presence,

3/4/08

Date

at

San Jose, California

City and State

Richard Seeborg  
United States Magistrate Judge  
Name & Title of Judicial Officer

Signature of Judicial Officer

**RE:** DE SANTIAGO-Rojas, Miguel A39 787 837

I am a Deportation Officer of the United States Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE) and have been employed since July 7, 1997. I am currently assigned to the Criminal Alien Program (CAP) Unit of the San Jose Sub-Office. In such capacity, I have reviewed the official file relating to the above named individual, which attests to the following:

- (1) Mr. DE SANTIAGO-Rojas is a 36-year-old male who has used eleven (11) aliases and three (3) dates of birth in the past.
- (2) Mr. DE SANTIAGO-Rojas has been assigned one (1) Alien Registration number of A39 787 837, FBI number of 835923VA4, California Criminal Information Index number of A10636356, and a California Department of Corrections number V34101.
- (3) Mr. DE SANTIAGO-Rojas is a native of Mexico and a citizen of Mexico since birth. A check through official records shows that he was arrested and deported on one (1) occasion from the United States:

**DATE**

January 18, 2005

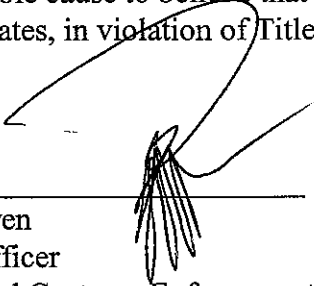
**PLACE OF DEPORTATION**

San Ysidro, CA

- (4) Mr. DE SANTIAGO-Rojas last entered the United States at or near Calexico, CA on or after January 18, 2005, by crossing the international border without inspection subsequent to deportation.
- (5) Mr. DE SANTIAGO-Rojas on a date unknown, but no later than February 12, 2008, in Monterey County in the Northern District of California, was found to be unlawfully present in the United States, after prior arrests and deportations, without the permission of the Attorney General or the Secretary of Homeland Security, in violation of Title 8, United States Code, Section 1326. On February 12, 2008, Mr. DE SANTIAGO-Rojas was interviewed by Immigration Enforcement Agent (IEA) Patrick Malate at the Monterey County Jail, Salinas, CA, and during that interview, Mr. DE SANTIAGO-Rojas was advised of his **Miranda** rights in English. Mr. DE SANTIAGO-Rojas waived his **Miranda** rights and provided a written sworn statement attesting to his alienage, prior deportation, and failure to obtain permission from the Attorney General or the Secretary of Homeland Security to re-enter the United States.
- (6) Mr. DE SANTIAGO-Rojas was, on July 17, 1997, convicted in the Superior Court of California, in and for the County of Monterey, for the offense of CARRY LOADED FIREARM: PUBLIC PLACE, a misdemeanor, in violation of Section 12031(a) of the California Penal Code, and was sentenced to ninety (90) days in jail.

**RE:** DE SANTIAGO-Rojas, Miguel A39 787 837

- (7) Mr. DE SANTIAGO-Rojas was, on October 6, 1998, convicted in the Superior Court of California, in and for the County of Monterey, for the offense of USE/UNDER INFLUENCE OF CONTROLLED SUBSTANCE, a misdemeanor, in violation of Section 11550(a) of the California Health and Safety Code, and was sentenced to one hundred eighty (180) days in jail.
- (8) Mr. DE SANTIAGO-Rojas was, on October 24, 1999, convicted in the Superior Court of California, in and for the County of Monterey, for the offense of USE/UNDER INFLUENCE OF CONTROLLED SUBSTANCE, a misdemeanor, in violation of Section 11550(a) of the California Health and Safety Code, and was sentenced to one hundred twenty (120) days in jail.
- (9) Mr. DE SANTIAGO-Rojas was, on February 01, 2000, convicted in the Superior Court of California, in and for the County of Monterey, for the offense of USE/UNDER INFLUENCE OF CONTROLLED SUBSTANCE, a misdemeanor, in violation of Section 11550(a) of the California Health and Safety Code, and was sentenced to one hundred twenty (120) days in jail.
- (10) Mr. DE SANTIAGO-Rojas was, on February 01, 2000, convicted in the Superior Court of California, in and for the County of Monterey, for the offense of POSSESSION CONTROLLED SUBSTANCE, a felony, in violation of Section 11377 of the California Health and Safety Code, and was sentenced to two (2) years in prison.
- (11) On the basis of the above information, there is probable cause to believe that Mr. DE SANTIAGO-Rojas illegally re-entered the United States, in violation of Title 8, United States Code, Section 1326.

  
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Trong Q. Nguyen  
Deportation Officer  
Immigration and Customs Enforcement

Subscribed and sworn to before me this 4<sup>th</sup> day of March, 2008

  
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RICHARD SEEBORG  
UNITED STATES MAGISTRATE JUDGE